

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JERAL DURANT HENDERSON,

Plaintiff,

v.

SATAN THE DEVIL,

Defendant.

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Civil Action No. **3:23-CV-1407-L-BT**

ORDER

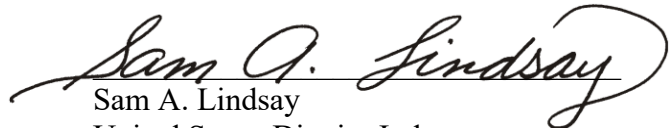
On August 11, 2023, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (Doc. 9) (“Report”) was entered, recommending that the court dismiss without prejudice this action pursuant to Federal Rule of Civil Procedure 41(b) because of Plaintiff’s failure to comply with a court order. No objections to the Report were filed, and the deadline for asserting objections has expired.

Having considered the file, Report, and record in this case, the court determines that the magistrate judge’s findings and conclusions are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action pursuant to Rule 41(b) for the reasons stated by the magistrate judge.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Plaintiff, however, may challenge this finding pursuant to *Baugh v. Taylor*, 117 F. 3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma*

pauperis on appeal with the Clerk of Court, United States Court of Appeals for the Fifth Circuit, within 30 days of this order.

It is so ordered this 30th day of September, 2023.


Sam A. Lindsay
United States District Judge